IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR,	§	
Plaintiffs,	§	
v.	§	No. 1:14-cv-00069-JMS-RLP
MARRIOTT INTERNATIONAL, INC., a Delaware Corporation, dba COURTYARD BY MARRIOTT WAIKIKI BEACH AND/OR COURTYARD WAIKIKI BEACH; JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; AND DOES ASSOCIATIONS 1-10,	§	
Defendants.	§	

DECLARATION OF YONGSHENG WU

Pursuant to 17 U.S.C. § 1746, I, **YONGSHENG WU**, declare as follows:

1. I am a Software Engineer at Pinterest Inc. ("Pinterest"). I have been employed at Pinterest since July 2012. I work on the Infrastructure Team, which is responsible for designing, building, and maintaining Pinterest's data storage infrastructure. As a result of my role at the company, I am very familiar with the Pinterest service, and I have extensive, first-hand knowledge about Pinterest's technical processes that allow users to upload content to the service and to "Re-Pin" items that other users have already posted.

2. I have an M.S. degree from Stanford University and a B.S. degree from the University of Science and Technology of China. Prior to joining Pinterest, I worked as a software engineer at Twitter from April 2011 to July 2012. Before that, I worked for over 5 years as an engineer for Salesforce, where I held the title "Principle Member of Technical Staff." In total, I have nearly 10 years of experience as a software engineer.

3. Pinterest is an online platform that allows users to collect, share, and discover things they love. Pinterest users gather images and other content (each known as a "Pin") from their own collections or from across the Internet and organize them in themed collections called "boards." A

board may relate to a nearly infinite variety of topics based on a given user's interests. To select just a few examples at random, users have created broads focused on: fashion (http://www.pinterest.com/explore/dresses); travel (http://www.pinterest.com/foodandwine/travel/); architecture (http://www.pinterest.com/mmfarrar/hawaii-architecture); needlepoint (http://www.pinterest.com/BelleButtercup/needlepoint); cartography (http://www.pinterest.com/0helix/cartography); woodworking (http://www.pinterest.com/neonnoe/woodworking); motorcycles http://www.pinterest.com/nuvru/motorcycles); home decor (http://www.pinterest.com/michaelsstores/home-decor); and surfing (http://www.pinterest.com/allantito/surfing). As users browse the Internet, including the millions of boards and more than 30 billion Pins available on Pinterest, they can add the content they find to their own boards, and they can follow the Pinterest users and boards they find most interesting, useful, or inspiring. Pinterest thus provides a way for people to express themselves, connect with others who share their interests, discover new things, and engage with the people who create them.

4. One way Pinterest users can add content to their boards is by creating a new Pin. Users may create a new Pin by uploading content from their computer or from an iOS or Android mobile device. Users may also create a new Pin using content found on another website. The user may do so by using one of Pinterest's browser extensions, by clicking on a "Pin It" button that many websites incorporate into their webpages to encourage users to Pin content to Pinterest, or by entering the URL where the image is found (for example, http://www.stuckincustoms.com/2012/03/22/byodo-in-temple) into Pinterest's upload tool. Attached as Exhibit A to this declaration are true and correct copies of screenshots that show the process by which users may create new Pins.

5. When a user creates a new Pin in one of the ways specified above, Pinterest's computer systems automatically create several copies of the image, in various sizes, that are then stored on Pinterest's servers. This process is fully automated and initiated only in response to a user's instruction. When a new Pin is created, it is assigned its own Uniform Resource Locator ("URL"), a unique online address associated with that Pin. I will refer to this address for purposes of this declaration as a "Pin URL." An example of a Pin URL, which corresponds to the image referenced above in paragraph 4 is http://www.pinterest.com/pin/126171227030749745 (photograph of Byodo-In Temple). When the upload process is complete, the new Pin can be added to the user's Pinterest board. Pins that originated on other websites include a "hyperlink" that, when clicked by a user, directs the user's browser back to the webpage from which the item was Pinned.

By including these links, Pinterest generates for other websites a significant number of referrals, *i.e.,* traffic flowing to those sites from users who want to engage with the images they have discovered or seen on Pinterest. Indeed, just today, the *New York Times* published an article about Pinterest, which pointed out that Pinterest "is a leading driver of traffic to certain magazines, and in some cases … it serves as a bigger source of reader referrals than either Facebook or Twitter." Christine Haughney, "Publication See Pinterest as Key Ally," *New York Times* (Sept. 21, 2014), *available at* http://www.nytimes.com/2014/09/22/business/media/publications-see-pinterest-as-key-ally.html?_r=0. A true and correct copy of this article is attached as Exhibit B to this declaration.

6. Another way that Pinterest users can add content to their Pinterest boards is by "Re-Pinning" content that is already on the Pinterest service. Re-Pinning is simple: a user just needs to click a button on the page where the Pin is and select the boards on which the item should be included. Attached as Exhibit C to this declaration are true and correct copies of screenshots that show how the Re-Pinning process works.

7. Any Pin on Pinterest can be Re-Pinned by any other user who views it and wishes to add that Pin to any his or her boards. As a result, one Pin may appear in thousands of different boards belonging to different users relating to an array of different topics. To give an example, the Pin depicting the Byodo-In Temple that I referred to above is Pinned on a board called "Aloha from Hawaii" (http://www.pinterest.com/treyratcliff/aloha-from-hawaii). The image was later Re-Pinned on a number of other boards, the list of which can be seen here: http://www.pinterest.com/pin/126171227030749745/repins.

8. It is important to understand that no new copies of the image are created when it is Re-Pinned. In response to users' requests to Re-Pin an image, Pinterest does not move the existing Pin from its Pin URL, and the image is not reproduced or modified in any way. In this regard, the way Pinterest's system responds to a Re-Pin request is very different from how it responds to request to create a new Pin. The process that Pinterest uses to allow images to be Re-Pinned is commonly referred to as "framing." It works like this: Copies of the images associated with a given board are not stored on or served from the webpage containing the board. A board is comprised of text (which describes the board and its Pins) surrounding a series of image "frames." Those frames do not include the actual images. Instead, they contain instructions, known as "in-line links," written in the Hypertext Markup Language ("HTML"), that pull the image from the location where the image is stored elsewhere on Pinterest's system. When a user asks to Re-Pin an image, therefore,

Pinterest simply adds a new frame to the board, which includes an in-line link to the actual copy of the image. The image is not copied and no new versions of it are created and stored on Pinterest's system. If a user clicks on one of the image frames on a board, that user's browser will be directed to the separate location for that item corresponding to the Pin URL. If the user clicks on the image from that Pin URL, the browser will be directed to the (third-party) webpage from which the image was originally pinned, via the hyperlink process described above in paragraph 5.

9. I am generally familiar with the claims made in this litigation, and I have reviewed portions of the Complaint and its attached exhibits in preparing this declaration. Exhibits C and D of the Complaint include what appear to be screenshots from Pinterest showing the photographs that I understand the Plaintiffs in this case claim to own. The text of those screenshots indicates that the images at issue were Re-Pinned after having been uploaded to Pinterest by various users. There is no indication from these exhibits that any of the images were originally uploaded to Pinterest by the user with the account "Courtyard by Marriott Waikiki Beach." Instead, it appears based on the screenshots that the "Courtyard by Marriott Waikiki Beach" account Re-Pinned the images. As explained above, Re-Pinning those images would not have caused Pinterest's system to create any new copies of the images or modified them in any way.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this **21st day of September, 2014**, in San Francisco, California.

Yongsheng Wu